

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 6, 2007
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-20419 - APPLICANT/OWNER: CENTEX HOMES

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (4-3/se/sd/lld vote) recommends APPROVAL, subject to:

Planning and Development

1. This approval is limited to a maximum of 63-lots.
2. Conformance to the conditions for General Plan (GPA-20216), Rezoning (ZON-20217), Variance (VAR-20219), Waiver (WVR-20568) and Site Development Plan Review (SDR-20220) if approved.
3. This approval shall be void two years from the date of final approval, unless a certificate of occupancy has been issued or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Variance to allow a Residential Planned Development on 4.91 acres where five acres is the minimum required for a proposed 65-unit, single-family residential subdivision on 4.91 acres 300 feet south of Lake Mead Boulevard and the west side of Rock Springs Drive.

The site does not meet the intent of the R-PD (Residential Planned Development) District as defined in Title 19.06.040. The proposed deviation is considered a self-imposed hardship as it is the applicant's choice to rezone the property; therefore, denial of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
08/07/91	The City Council approved a Rezoning (Z-0056-91) from N-U (Non-urban) to C-V (Civic).
12/02/92	The City Council approved an Extension of Time [Z-0056-91(1)] of an approved Rezoning.
01/19/94	The City Council approved an Extension of Time [Z-0056-91(2)] of an approved Rezoning.
09/06/06	The City Council approved to Amend (GPA-14318) a portion of the Southwest Sector Plan of the Master Plan from PF (Public Facilities) to H (High Density Residential), a Rezoning (ZON-14321) from U (Undeveloped) [PF (Public Facilities) Master Plan Designation] to R-4 (High Density Residential), a Site Development Plan Review (SDR-14323) for a proposed three-story, 92-unit residential condominium development, and a Variance (VAR-14322) to allow three stories where two stories or 35 feet is the maximum height on 4.43 acres adjacent to the west side of Rock Springs Drive, approximately 300 feet south of Lake Mead Boulevard. Staff recommended denial, while the Planning Commission recommended approval.
04/26/07	<p>The Planning Commission recommended approval of companion items ZON-20217, WVR-20568, VAR-20219 and SDR-20220 and failed to obtain a super majority vote which is tantamount to denial of GPA-20216 concurrently with this application.</p> <p>The Planning Commission voted 4-3/se/sd/ld to recommend APPROVAL (PC Agenda Item #17/jm).</p>

<i>Pre-Application Meeting</i>	
02/16/07	A pre-application meeting was held. Staff informed the applicant that the single family detached development proposal required a general plan amendment, rezoning, variance for minimum lot size in a Residential Planned Development zone, and a site development plan review. Submittal requirements were then discussed in detail.
<i>Neighborhood Meeting</i>	
03/15/07	A neighborhood meeting was held at 6:00 pm at Summerlin Lutheran Church, 1911 Pueblo Vista Drive. No citizens attended.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	3.98

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	H (High Density Residential)	U (Undeveloped) [PF (Public Facilities) Master Plan Designation]
North	Retail	SC (Service Commercial)	U (Undeveloped) Zone under Resolution of Intent to C-1 (Limited Commercial) [SC (Service Commercial) Master Plan Designation]
South	School	PF (Public Facilities)	U (Undeveloped) [PF (Public Facilities) Master Plan Designation]
East	Retail	SC (Service Commercial)	C-1 (Limited Commercial)
West	Offices	SC (Service Commercial)	C-1 (Limited Commercial)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		Y
Airport Overlay Zone (175 feet)	X		Y
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Pursuant to Title 19.08, the following standards apply:

Standard	Provided
Min. Lot Size	1,440 SF
Min. Lot Width	32 Feet
Min. Setbacks from Building <ul style="list-style-type: none"> • Front • Side • Rear 	5 Feet Zero Feet 5 Feet
Max. Building Heights	3 stories, 35 feet

Existing Zoning	Permitted Density	Units Allowed
U (Undeveloped) Under Resolution of Intent to R-4	50 Units Per Acre	245
Proposed Zoning	Permitted Density	Units Allowed
R-PD14	14 Units Per Acre	65
Proposed General Plan	Permitted Density	Units Allowed
M (Medium Density Residential)	25.49 Units per Acre	125

Pursuant to Title 19.12, the following Landscape Standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Buffer: Min. Trees	1 Tree/ 30 Linear Feet	10 Trees	19 Trees	Y
Min. Zone Width along Rock Springs Road.	6 Feet		6 Feet	Y
Wall Height	8 Feet		Not shown	NA

Open Space – R-PD only							
Total Acreage	Density	Required			Provided		Compliance
		Ratio	Percent	Area	Percent	Area	
4.91	13.23	1.65	22%	46,688	5%	10,288	N*

*A Variance (VAR-20219) has been requested.

Pursuant to Title 19.10, the following parking standards apply:

Parking Requirement
The project is required to provide a minimum of two parking spaces per dwelling unit. This meets Title 19.10 parking requirements.

ANALYSIS

The proposed development is located on 4.91 gross acres. Per Title 19.06.040 a Residential Planned Development shall be located on a minimum of five acres. The proposed location is 98 percent of the required area. This is a two percent deviation from Title 19.06.040 standards.

Per Title 19.06.040 for the R-PD (Residential Planned Development) District the minimum site area that is eligible for rezoning to the R-PD (Residential Planned Development) zoning district is five acres. This particular development is an infill parcel. The purpose of the R-PD District is to allow maximum flexibility to permit imaginative and innovative residential design and to utilize land for the development of residential communities which are planned and developed with appropriate amenities to establish a clear sense of community. It is intended to promote the enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and a homogeneity of use patterns.

The proposed 65-lot single-family residential subdivision lacks innovative residential design and the required amount of open space for an R-PD District. The site does not meet the intent of the R-PD (Residential Planned Development) District as defined in Title 19.06.040. The proposed deviation is considered a self-imposed hardship as it is the applicant's choice to rezone the property; therefore, denial of this request is recommended.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

No evidence of a unique or extraordinary circumstance has been presented, in that the applicant has created a self-imposed hardship through requesting a zoning district that does not meet Code requirements. Alternative zoning would allow conformance to the Title 19 requirements. In view of the absence of any hardships imposed by the site's physical characteristics, it is concluded that the applicant's hardship is preferential in nature, and it is thereby outside the realm of NRS Chapter 278 for granting of Variances.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 6

NOTICES MAILED 3 by City Clerk

APPROVALS 0

PROTESTS 0